

Assigned for all purposes to: Torrance Courthouse, Judicial Officer: Gary Tanaka

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HUMBERTO ROMERO

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES – TORRANCE COURTHOUSE

HUMBERTO ROMERO, an Individual,

Plaintiffs,

vs.

ROCKER BROS. MEAT & PROVISION,
INC., a California Corporation and DOES 1
through 100, inclusive,

Defendants

CASE NO.: 20TRCV00802

**COMPLAINT FOR VIOLATION OF THE
CALIFORNIA PRIVATE ATTORNEYS
GENERAL ACT, LABOR CODE
SECTION 2698, ET SEQ. ("PAGA")**

[UNLIMITED CIVIL]

[JURY TRIAL DEMANDED]

Plaintiff HUMBERTO ROMERO (hereinafter "Plaintiff"), in a representative capacity on
behalf of all aggrieved employees, alleges and states as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction over this action and the matters alleged herein
pursuant to the grant of original jurisdiction set forth in Article VI, Section 10 of the California
Constitution. The statutes under which this action is brought do not specify any other basis for
jurisdiction.

2. This Court has jurisdiction over Defendant, because, upon information and belief, Defendant is either a citizen of California, has sufficient minimum contacts in California, or otherwise intentionally avails itself of the California market so as to render the exercise of jurisdiction over it by this Court consistent with traditional notions of fair play and substantial justice.

3. Venue is proper in this Court, because, upon information and belief, the named Defendant resides, transacts business, or has offices in this county, and the acts or omissions alleged herein took place in this county.

4. On July 28, 2020, Plaintiff provided notice to the California Labor and Workforce Development Agency (“LWDA”) of his intent to file a lawsuit against Defendant pursuant to the Private Attorneys General Act for violations of Labor Code sections 201-203, 221, 224, 226, 226.7, 510, 512(a); 558, 2802, 1194(a), and 1198 and the relevant Industrial Welfare Commissions Wage Order. This matter has been assigned case number LWDA-CM-800414-20 by the LWDA. As of the date of filing of this Complaint, the LWDA has not provided any notice that it intends to investigate the alleged violations. Accordingly, Plaintiff now file this Complaint pursuant to California Labor Code section 2699.3(c), which authorizes a plaintiff to file civil complaint within 60 days of the relevant event giving rise to a complaining employee’s right to proceed in a civil action brought under the California Private Attorneys General Act (California Labor Code section 2698, et seq.)

PARTIES

5. Plaintiff HUMBERTO ROMERO (“ROMERO” or “Plaintiff”) is an individual who, at all times relevant to this action, residing in the County of Los Angeles, State of California.

6. Plaintiff is informed, believes and thereupon alleges that Defendant ROCKER BROS. MEAT & PROVISION, INC. (“RBMP” or “Defendant”) is a California Corporation, lawfully doing substantial business in the County of Los Angeles, State of California and was Plaintiff’s employer at all times relevant herein.

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1 7. Plaintiff is unaware of the true names and capacities of Defendants named herein
2 as DOES 1 through 100, inclusive, and therefore sues these Defendants by such fictitious
3 names. Plaintiffs will amend this Complaint to allege such names and capacities when the same
4 has been ascertained. Plaintiffs are informed and believes, and based thereon alleges, that each
5 of the fictitiously named Defendants stated herein bears a legal responsibility to Plaintiffs
6 similar to that of the named Defendant herein.

7 8. At all times mentioned herein, Defendants DOES 1 through 100, inclusive, were
8 the agents, servants, and employees of their Co-Defendants, and in doing the things herein
9 alleged were acting in the scope of their authority as such agents, servants, and employees, and
10 with the permission and consent of their Co-Defendants.

11 **GENERAL ALLEGATIONS**

12 9. Plaintiff is informed and believes, and based thereon alleges, that Defendant is
13 the business of meat buying, processing and distribution. At all times relevant to this action
14 Defendant maintained its primary office and manufacturing facilities at 405 Centinela Ave,
15 Inglewood, California 90302.

16 10. Plaintiff was hired in or about October 2018 as an hourly non-exempt employee
17 until his separation of employment in or about September 2019.

18 11. During Plaintiff's employment, he and other Aggrieved Employees did not
19 receive all of their meal and rest breaks pursuant to the California Labor Code, including a
20 second meal break when working shifts over ten hours.

21 12. Plaintiff and other Aggrieved Employees did receive premium pay for their
22 missed meal and/or rest breaks.

23 13. Plaintiff and other Aggrieved Employees did not waive their meal periods.

24 14. Further, Defendant has an auto-deduct meal break policy wherein Defendant's
25 timekeeping system would automatically deduct thirty minutes if Plaintiff and other Aggrieved
26 Employees did not sign out for a meal break during their shift. This practice and policy has
27 resulted in unpaid wages, including minimum wage and overtime as Plaintiff and other
28

1 Aggrieved Employees would work over 8 hours and sometimes over 12 hours in a day which
2 would entitle them to premium overtime wages.

3 15. Additionally, Plaintiff and Aggrieved Employees were not provided with
4 compliant wage statements as the statements did not, among other things, correctly reflect the
5 hours worked and wages earned, including overtime hours and wages.

6 16. Plaintiff and Aggrieved Employees' unpaid overtime wages and other wages
7 remain outstanding after their separation of employment from Defendant.

8 17. Further, Defendant's made deductions from Plaintiff's wages in violation of
9 Labor Code section 221 and 224.

10 **FIRST CAUSE OF ACTION**

11 **(Violation of California Labor Code Section 2698, et seq. (PAGA) – Against all Defendants)**

12 18. Plaintiff refers to and incorporates herein by reference paragraphs 1 through 17
13 as though fully set forth herein.

14 19. California Labor Code section 2698, et seq., the Private Attorneys General Act
15 ("PAGA"), allows an aggrieved employee to bring suit against an employer for violations of
16 most California Labor Code provisions, including, but not limited to, violations of California
17 Labor Code sections 201-204, 221, 224, 226, 226.7, 510, 512(a); 558, 2802, 1194(a), 1197 and
18 1198 and the relevant Industrial Welfare Commissions Wage Order. By virtue of Defendant's
19 numerous violations of the California Labor Code as against Plaintiff as described herein,
20 Plaintiff is an aggrieved employee as defined in California Labor Code section 2698, et seq.

21 20. Defendant's acts constitute an ongoing unlawful activity prohibited by the
22 California Labor Code, and, therefore, these acts constitute violations of the PAGA.

23 21. On July 28, 2020, Plaintiff provided notice of these violations pursuant to
24 California Labor Code section 2699.3 and specifically asked the LWDA if it intends to
25 investigate the alleged violations. Plaintiff did not receive a response back from the LWDA
26 within the time limits outlined in California Labor Code section 2699.3 with notification that it
27 intends to investigate the alleged violations, and thus, Plaintiff is entitled to prosecute his PAGA
28 claims under California Labor Code section 2699, et seq.

22. Defendant's conduct of violating the California Labor Code constitutes violations of the PAGA.

23. Therefore, Plaintiff requests penalties against Defendant under the provisions of PAGA section 2699(f).

24. The proper measure of damages and penalties under the PAGA is all aggrieved employees, whether a party to this action or not. Further, this claim needs no certification to proceed with class-wide recovery. *See Arias v. Superior Court*, 46 Cal. 4th 969, 970-975 (2009).

25. Further, as a direct and proximate result of the conduct of Defendant, as set forth above, Plaintiffs were forced to incur substantial attorney's fees and costs which are recoverable under California Labor Code Section 2699(g)(1).

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for judgment against Defendant and DOES 1 through 100, inclusive, and each of them, jointly and severally, as follows:

1. That the Court impose penalties against Defendant on behalf of Plaintiff and all aggrieved employees according to the Private Attorneys General Act ("PAGA");
2. For reasonable attorneys' fees and for costs of suit incurred herein; and
3. For such other and further relief as this Court may deem just, fair, and proper.

DATED: November 3, 2020

BARKHODARIAN LAW FIRM

/s/Heather K. Cox

Gregory P. Wong
Heather Cox
Plaintiff Humberto Romero